UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,237	02/20/2004	Masakazu Kawamura	P/2617-24	1367

2352 7590 04/17/2006

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER	
ADDY, ANTHONY S	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/783,237	KAWAMURA, MASAKAZU	
	Examiner	Art Unit	
	Anthony S. Addy	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This action is in response to applicant's amendment filed on January 23, 2006. **Claims** 1-22 are pending in the present application.

Response to Arguments

3. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kamieniecki, U.S. Publication Number 2003/0066080 A1 (hereinafter Kamieniecki)** and further in view of **Huang et al., U.S. Patent Number 6,829,512 (hereinafter Huang)**.

Regarding claims 1, 5, 6, 7, 10, 11, 12, 16, 18, 19 and 22, Kamieniecki teaches a program, method and remote-control system including an automatic set-up device (see Fig. 1; automatic set-up device 100), a data server (see p. 3 [0028] and Fig. 1; [i.e. the

Headend 135 reads on a data server]), and a network allowing said automatic set-up device and said data server to communicate with each other therethrough (see p. 3 [0026 & 0029-0030] and Fig. 1), wherein said automatic set-up device includes: (a) a memory storing a plurality of remote-control codes therein (see p. 4 [0038 & 0041] and Fig. 2; shows a memory 245); (b) a signal transmitter which transmits a first remote-control signal to a target device, based on a remote-control code selected among said remote-control codes for causing said target device to carry out a desired operation (see p. 4 [0038] and Fig. 2; shows an IR Blaster 255 for transmitting a signal to control electronic devices 107 [i.e. reads on a target device], based on a remote-control code selected among said remote-control codes from database 142 or memory 245); (c) a signal receiver which receives a second remote-control signal indicative of a certain operation, from a terminal which remote-controls said target device (see p. 4 [0037] and Fig. 2; shows an IR receiver 262 which receives a signal from native remote controls 108 [i.e. reads on a terminal] for controlling electronic devices 107 [i.e. reads on a target device]); and (d) a controller (see p. 4 [0037] and Fig. 2; shows a controller 220) which (d1) determines a remote-control code, based on said second remote-control signal having been received by said signal receiver (see p. 4 [0037]), (d2) receives a set of remote-control codes from said data server (see p. 3 [0028 & 0034], p. 4 [0038] and p. 5 [0044]), and (d3) stores the thus received set of remote-control codes in said memory as said plurality of remote-control codes (see p. 3 [0028 & 0034], p. 4 [0038] and p. 5 [0044 & 0052]), and wherein said data server receives said second remote-control signal, and transmits said set of remote-control codes associated with said target device

and selected in accordance with said second remote-control signal, to said automatic set-up device (see p. 2 [0028], p. 4 [0038] and p. 5 [0044-0045]).

Kamieniecki fails to explicitly teach the automatic set-up device is a mobile terminal.

In an analogous field of endeavor, Huang teaches a controlling device to remotely control the operation of one or more consumer appliances, and wherein an example of the controlling device includes personal digital assistants (PDAs), expanded function cellular telephones e.t.c (see col. 3, lines 24-40). According to Huang, a command code library and executable instructions are stored in the memory of the controlling device, and are transmitted from the controlling device to implement specific features on the consumer appliances by any suitable wired or wireless transmission means such as IR, radio frequency (RF), or the like (see col. 3, lines 40-45).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the automatic set-up device of Kamieniecki with the controlling device of Huang, in order to remotely control one or more consumer appliances, based on command codes stored in memory of the controlling device and transmitted from the controlling device to implement specific features on the consumer appliances by any suitable wired or wireless transmission means such as IR, radio frequency (RF), or the like as taught by Huang (see col. 3, lines 40-45), and in addition to the fact that the automatic set-up device of Kamieniecki can be made mobile for the advantage of making it portable, and consequently more attractive for sale.

Regarding claims 2, 8 and 15, Kamieniecki in view of Huang teaches all the limitations of claims 1, 7 and 12. Kamieniecki further teaches a remote-control system, wherein said set of remote-control codes include at least a category and a manufacturer of said target device (see p. 4 [0038] and p. 5 [0052]).

Regarding claim 4, Kamieniecki in view of Huang teaches all the limitations of claim 1. Kamieniecki further teaches a remote-control system, wherein said controller includes a signal producer which produces said first remote-control signal, based on said remote-control code having been read out of memory (see p. 4 [0038]).

Regarding claims 3 and 9, Kamieniecki in view of Huang teaches all the limitations of claims 1 and 7. Kamieniecki further teaches a remote-control system, wherein said controller includes a sampler which samples said second remote-control signal having being received by said signal receiver, and determines a remote-control code, based on the thus sampled second remote-control signal (see p. 4 [0037-0038]).

Regarding claim 13, Kamieniecki in view of Huang teaches all the limitations of claim 12. Kamieniecki further teaches a method, wherein a user actuates a predetermined key of a remote-controller used for remote-controlling said target device (see p. 3 [0031] and p. 5 [0044]).

Regarding claims 14 and 20, Kamieniecki in view of Huang teaches all the limitations of claims 12 and 19. Kamieniecki further teaches a program and method, further comprising the step of converting said remote-control signal into a digital data, which is transmitted from said mobile radio-signal terminal to said data server (see p. 4 [0037-0038] and p. 5 [0044-0045]).

Regarding claims 17 and 21, Kamieniecki in view of Huang teaches all the limitations of claims 12 and 19. Huang further teaches a program and method, further comprising the step of transmitting said remote-control data from said mobile radio-signal terminal to said target device for remote-controlling said target device (see col. 3, lines 24-30).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wall et al., U.S. Patent Number 6,989,763 discloses web-based universal remote control.

Tokuhashi, U.S. Publication Number 2005/0192051 A1 discloses mobile terminal-based remote control technique.

Zhou et al., U.S. Publication Number 2005/0159175 A1 discloses radio remote control transmitted by short message of the mobile telephone system thereof.

Kim, U.S. Publication Number 2005/0009470 A1 discloses remote control method in mobile communication terminal.

Leong, U.S. Publication Number 2006/0028431 A1 discloses remote control system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony S. Addy
April 7, 2006

4/12/06
ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER